

IN THE  
UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: BENDINER, Bernard	)	Art Group Unit: 1615
	)	
DOCKET NO.: 5565-4	)	Examiner:
	)	
SERIAL NO.: 09/721,586	)	Declaration by
	)	Larry L. Saret
FILED ON: November 22, 2000	)	
	)	
FOR: Preservative for Organic Materials	)	

I, Larry L. Saret, state the following of my own personal knowledge:

1. Together with the law firm of Laff, Whitesel and Saret, Ltd., I serve as co-counsel for Preservation Products, LLC ("Preservation Products"), the applicant for reissue application 09/721,586.
2. On November 22, 2000, our firm filed a reissue application for U.S. Patent 5,840,249 titled "Preservative for Organic Materials." This application did not include a declaration executed by the inventor, Mr. Bernard Bendiner.
3. I received a letter dated January 19, 2001 from Mr. Bendiner's attorney (F. David AuBuchon) stating that he felt that Mr. Bendiner should be granted a royalty-free, non-exclusive license under the reissue patent, and not addressing whether Mr. Bendiner would sign the reissue application declaration. (Exhibit 1).
4. On February 12, 2001, I sent a letter to Mr. AuBuchon requesting that Mr. AuBuchon advise whether Mr. Bendiner was refusing to sign the reissue application declaration. (Exhibit 2).
5. I received a response dated February 15, 2001, in which Mr. AuBuchon claimed that Mr. Bendiner "has not refused to sign the documents." (Exhibit 3).



6. On February 27, 2001, I had a telephone conversation with Mr. AuBuchon. Mr. AuBuchon stated the following to me during that conversation.
7. Mr. AuBuchon stated that if Preservation Products agreed that Mr. Bendiner will get a royalty-free, non-exclusive license under the reissue patent, Mr. AuBuchon will recommend that Mr. Bendiner sign the reissue application declaration.
8. Mr. AuBuchon further stated that if Preservation Products will not agree to a royalty-free, non-exclusive license under the reissue patent, Mr. AuBuchon will recommend that Mr. Bendiner not sign the reissue application declaration.
9. To my knowledge, Preservation Products has not agreed to grant Mr. Bendiner a license, and I have never received a reissue declaration signed by Mr. Bendiner.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed. This declaration is executed this 14 day of May, 2001 at Chicago, Illinois.



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